

MONDAY, MARCH 30, 1992

SEVENTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Isaac McDuffy, Faith Baptist Church, Shelbyville, Tennessee.

Representative Phillips led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Allen; due to business in district.

Representative Garrett; due to illness.

Representative Purcell; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

CONSENT CALENDAR

House Joint Resolution No. 0581 -- Memorials, Death -- Frank Crosslin, Sr., Eagleville.

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House Joint Resolution No. 0585 -- Memorials, Retirement -- Willie Arnold Smith.

House Joint Resolution No. 0586 -- Memorials, Public Service -- Dr. Harold Middlebrook, Sr.

House Bill No. 2811 -- Carter County -- Establishes minimum development standards for mobile homes.

Senate Joint Resolution No. 0396 -- Memorials, Personal Achievement -- Trenton Elementary School Odyssey of the Mind Team.

Senate Joint Resolution No. 0406 -- Memorials, Recognition and Thanks -- Dolly D. Gerregano.

House Bill No. 2540 -- Revenue, Dept. of -- Increases amount of penalties and refunds which can be authorized by commissioner or designee. Amends TCA 67-1-803, 67-1-1802.

On motion, House Bill No. 2540 was made to conform with Senate Bill No. 2528.

On motion, **Senate Bill No. 2528**, on same subject, was substituted for House Bill No. 2540.

House Bill No. 2533 -- General Services, Dept. of -- Requires commissioner to develop policy governing vans and state employee use of van priority parking. Amends TCA 4-8-206.

On motion, House Bill No. 2533 was made to conform with Senate Bill No. 2531.

On motion, **Senate Bill No. 2531**, on same subject, was substituted for House Bill No. 2533.

House Bill No. 1897 -- Handicapped Persons -- Requires refueling services at gasoline stations be provided at self-service pump upon request of handicapped drivers of vehicles displaying plate or placard with cost for gasoline at self-service price; provides exemptions, penalties and enforcement. Amends TCA, Title 55, Ch. 21.

House Bill No. 1902 -- Handicapped Persons -- Sets fine for unauthorized parking in handicapped space at \$100; provides that such vehicle may be towed; requires payment of towing fees and storage for return of towed vehicle; prohibits encroachment of vehicle into handicapped parking space. Amends TCA 55-8-160, 55-21-108.

***House Bill No. 1798** -- Sunset Laws -- Department of personnel, June 30, 1999. Amends TCA, Title 3, Ch. 9; Title 4, Chs. 3--5, 7, 12, 29; Title 8, Chs. 23, 30, 34, 37, 50; Title 11, Chs. 3, 4; Title 33, Ch. 2; Title 37, Ch. 3; Title 41, Chs. 7--10; Title 43, Ch. 6; Title 44, Ch. 15; Title 49, Chs. 5, 10, 11; Title 68, Chs. 2, 11; Title 70, Ch. 1; Title 71, Ch. 4.

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House Bill No. 2692 -- Sunset Laws -- Tennessee governor's council on physical fitness and health, June 30, 2000. Amends TCA, Title 4, Chs. 29, 40.

House Bill No. 2693 -- Sunset Laws -- Advisory committee for purchase from the blind and other severely handicapped, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 71, Ch. 4.

House Bill No. 2017 -- Education -- Permits children of teachers to attend school where parent teaches if such school is outside district of residence but must adhere to tuition policy. Amends TCA, Title 49, Ch. 6, Pt. 31.

House Bill No. 1939 -- Courts, Juvenile -- Excludes non-judicial days from time period for child to petition criminal court to determine if it will accept jurisdiction when juvenile court has found such child should be tried as adult. Amends TCA 37-1-159.

***House Joint Resolution No. 0519** -- General Assembly, Directed Studies -- Directs the black health care commission and the department of health to jointly study certain proposals which may bring about the more effective and efficient use of Medicaid resources.

***House Bill No. 2246** -- Housing -- Applies law allowing local governments to acquire vacant premises for redevelopment to Henry County. Amends TCA, Title 13, Ch. 21, Pt. 2.

House Bill No. 2391 -- Employees, Employers -- Repeals prohibition on hiring employee of another. Repeals TCA 50-1-101.

On motion, House Bill No. 2391 was made to conform with Senate Bill No. 1750.

On motion, **Senate Bill No. 1750**, on same subject, was substituted for House Bill No. 2391.

House Joint Resolution No. 0513 -- Memorials, Recognition and Thanks -- Expresses support for the 1992 Black Heritage Celebration to be held March 6-9 at Memphis Cook Convention Center and Peabody Hotel.

House Joint Resolution No. 0591 -- Memorials, Sports -- Edwin "Eddie" W. Hickox, umpire.

House Joint Resolution No. 0594 -- Memorials, Public Service -- Dr. Joseph Steranka.

House Joint Resolution No. 0595 -- Memorials, Sports -- Stevie Hamer, TSSAA Class A "Mr. Basketball".

House Joint Resolution No. 0600 -- Memorials, Professional and Business Achievement -- City of Ripley, Recipient of Governor Three Star Award and Economic and Cultural Honors Award.

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***House Bill No. 2809** -- Regional Authorities -- Authorizes Wilson County regional solid waste authority to operate pursuant to resolution thereby "grandfathering" any authority created prior to effective date of act; restricts operation to such county until regions formed; suspends flow control authority.

Senate Joint Resolution No. 0398 -- Memorials, Public Service -- Trooper John Marvin, DARE instructor.

House Bill No. 2527 -- County Government -- Requires any bank that becomes depository of local government funds to secure such funds in collateral pool. Amends TCA 5-8-201, 5-8-301; Title 6, Ch. 56, Pt. 1, 9-4-404; Title 9, Ch. 4, Pt. 5, 9-4-508, 511.

On motion, House Bill No. 2527 was made to conform with Senate Bill No. 2372.

On motion, **Senate Bill No. 2372**, on same subject, was substituted for House Bill No. 2527.

***House Bill No. 2344** -- Board of Regents -- Extends term of past commissioner of education from 20 to 23 years. Amends TCA 49-8-201.

House Bill No. 2564 -- Recreational Areas -- Allows municipalities to fund municipal recreational systems from general revenues of municipality, user fees, or other lawful services, as well as from property taxes. Amends TCA 11-24-108, 109.

House Resolution No. 0173 -- Memorials, Recognition and Thanks -- Bridgett L. Jennings.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1897; by Reps. Duer and Phillips.

House Bill No. 1902; by Rep. U. Jones.

House Bill No. 2017; by Rep. Holcomb.

House Bills Nos. 2809, 2344 and 2564; by Rep. Duer.

Under the rules, 1897, 1902, 2017, 2809, 2344 and 2564 was/were placed at the foot of the calendar for Wednesday, April 1, 1992.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes	89
Noes	0
Present and not voting	4

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Coffey, Hargrove, Liles, Williams (Union) -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal.

Rep. Turner (Hamilton)

REGULAR CALENDAR

House Bill No. 2701 -- Sunset Laws -- Upper Duck River development agency, board of directors, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

Further consideration of **House Bill No. 2701**, previously considered on March 23, 1992, at which time it was reset to the Calendar for March 30, 1992.

On motion, **House Bill No. 2701** was made to conform with Senate Bill No. 2621.

On motion, **Senate Bill No. 2621**, on same subject, was substituted for **House Bill No. 2701**.

Rep. King moved that **Senate Bill No. 2621** be passed on third and final consideration.

Rep. Napier moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2621 by deleting Section 2 and by substituting instead the following:

Tennessee Code Annotated, Section 4-29-217(a), is amended by adding the following appropriately numbered new subdivision:

() Upper Duck River development agency, board of directors, created by §64-1-601 and 64-1-602.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **Senate Bill No. 2621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Knight -- 1.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2621 and have this statement entered in the Journal.

Rep. Turner (Hamilton)

REGULAR CALENDAR, CONTINUED

House Bill No. 2332 -- Railroads -- Creates Interstate Rail Passenger Network Compact. Amends TCA, Title 4.

On motion, House Bill No. 2332 was made to conform with Senate Bill No. 2079.

On motion, **Senate Bill No. 2079**, on same subject, was substituted for House Bill No. 2332.

Rep. Ridgeway moved that **Senate Bill No. 2079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Joyce Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 1868** -- Fire Prevention and Investigation -- Makes levying of countywide fire tax permissive rather than required. Amends TCA 5-17-106.

Rep. Callicott moved that House Bill No. 1868 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1868 by deleting Section 1 in its entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 5-17-106, is amended by adding the following language at the end of subsection (a):

Provided, however, the county legislative body of any county having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), according to the 1990 federal census or any subsequent federal census, which after the effective date of this act establishes a fire tax district, may levy an annual fire tax upon the property owners of each district. If a tax is levied, the provisions of subsection (b) shall apply to such fire tax.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Callicott moved that **House Bill No. 1868**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Knight -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1868 and have this statement entered in the Journal.

Rep. Turner (Hamilton)

REGULAR CALENDAR, CONTINUED

House Bill No. 2255 -- Liens -- Allows non-resident person or foreign corporation to be named or act as trustee of a security

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interest only where resident state grants similar authority to residents of Tennessee. Amends TCA, Title 66, Ch. 24.

On motion, House Bill No. 2255 was made to conform with Senate Bill No. 2274.

On motion, **Senate Bill No. 2274**, on same subject, was substituted for House Bill No. 2255.

Rep. Holcomb moved that **Senate Bill No. 2274** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2274 and have this statement entered in the Journal.

Rep. Turner (Hamilton)

REGULAR CALENDAR, CONTINUED

House Bill No. 1971 -- Motor Vehicles -- Specifies that law enforcement officials may use television and other similar video equipment in motor vehicles while engaged in official duties. Amends TCA 55-9-105.

On motion, House Bill No. 1971 was made to conform with Senate Bill No. 1722.

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On motion, **Senate Bill No. 1722**, on same subject, was substituted for House Bill No. 1971.

Rep. Ferguson moved that **Senate Bill No. 1722** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1722 and have this statement entered in the Journal.

Rep. Turner (Hamilton)

PRESENT IN CHAMBER

Representative(s) Turner (Hamilton) was/were recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

House Bill No. 2250 -- Alcoholic Beverages -- Removes United States citizenship requirement for licensure. Amends TCA 57-3-210, 57-5-103, 105.

On motion, House Bill No. 2250 was made to conform with Senate Bill No. 1743.

On motion, **Senate Bill No. 1743**, on same subject, was substituted for House Bill No. 2250.

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Rep. Robinson (Davidson) moved the previous question, which motion prevailed.

Rep. Chumney moved passage of **Senate Bill No. 1743** on third and final consideration, which motion failed by the following vote:

Ayes.	13
Noes.	74
Present and not voting.	6

Representatives voting aye were: Arriola, Chumney, DeBerry, Dixon, Jones, R (Shelby), Jones, U (Shelby), Kernell, King, Love, Napier, Robinson (Davidson), Turner (Shelby), Williams (Shelby) -- 13.

Representatives voting no were: Anderson, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce Kent, Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 74.

Representatives present and not voting were: Armstrong, Bragg, Fowlkes, Knight, Robinson (Hamilton), Mr. Speaker Naifeh -- 6.

There being no motion to reject, the Speaker announced that, pursuant to **Rule No. 39**, **Senate Bill No. 1743**, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 1743** and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1688 -- Pest Control -- Prohibits local governments from regulating pesticide sale or use. Amends TCA, Title 43, Ch. 8; Title 62, Ch. 21.

Further consideration of **Senate Bill No. 1688**, previously considered on March 16 and 25, 1992, at which time it was substituted for **House Bill No. 1676**; Amendments Nos. 1 and 3 were

withdrawn; a motion was made to adopt Amendment No. 4, which was moved to the heel of the Amendments; Amendments Nos. 2 and 5 were adopted; a motion was made to adopt Amendment No. 6, then the bill was reset to the Calendar for March 30, 1992.

Rep. Napier moved that **Senate Bill No. 1688** be passed on third and final consideration.

Rep. Bragg moved that **Amendment No. 6** be withdrawn and Amendment No. 18 substituted, which motion prevailed.

Rep. Bragg moved to amend as follows:

Amendment No. 18

Amend Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 62-21-118, is amended by adding the following new subsection:

() The commissioner of agriculture shall promulgate such rules and regulations as may be requested by a two-third (2/3) affirmative vote of the legislative body of any municipal and/or county government, within any county having a population less than two hundred fifty thousand (250,000) according to the 1990 federal census of population or any subsequent federal census, that have as their purpose the regulation of the use of pesticides in their specific area of jurisdiction. These regulations must be reasonable and not in conflict with state or federal law and regulations, but for good cause shown may be more stringent than such standards.

On motion, Amendment No. 18 was adopted.

On request of Rep. Fowlkes, Amendment No. 7 was moved to the heel of the Amendments.

Rep. Odom moved to amend as follows:

Amendment No. 8

AMEND Senate Bill No. 1688 by deleting the words "notification of use" wherever they appear.

AND FURTHER AMEND by adding the following new paragraph at the end of the amendatory language of Sections 2 and 3:

No provision of this section shall be construed to

limit the authority of a city, town, county or metropolitan government to require notification of use of pesticides pursuant to an ordinance or resolution of such governmental entity.

Rep. Davis (Gibson) moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes.	67
Noes.	23
Present and not voting.	2

Representatives voting aye were: Anderson, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Haun, Head, Hillis, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Kent, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullis, Venable, Walley, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Armstrong, Arriola, Chumney, Clark, Coffey, Cross, Dixon, Halteman, Herron, Hill, Jackson, Jones, U (Shelby), Kernell, Love, Meyer, Odom, Pruitt, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby) -- 23.

Representatives present and not voting were: Fowlkes, Holcomb -- 2.

Rep. Odom moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 1688 by adding the the following as a new, appropriately designated section of the bill.

Section _____. The provisions of the act shall not apply to counties having a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census.

Rep. Rhinehart moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes.	57
Noes.	29
Present and not voting.	4

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Cole, Collier, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Ferguson, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Hillis, Holt, Hubbard, Huskey, Johnson, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, Moore, Napier, Niceley, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullos, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 57.

Representatives voting no were: Armstrong, Arriola, Chunney, Clark, Coffey, Cross, Curlee, DeBerry, Dixon, Fowlkes, Halteman, Hargrove, Hill, Holcomb, Jones, R (Shelby), Jones, U (Shelby), Kernell, Love, Meyer, Odom, Peroulas Draper, Pruitt, Robinson (Davidson), Stamps, Tindell, Turner (Hamilton), Turner (Shelby), West, Winningham -- 29.

Representatives present and not voting were: Herron, Jackson, Nuber, Venable -- 4.

Rep. Callicott moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Hill moved that Amendment No. 11 be withdrawn and Amendment No. 15 substituted, which motion prevailed.

Rep. Hill moved to amend as follows:

Amendment No. 15

AMEND Senate Bill No. 1688 by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4.

(a) Notwithstanding the provisions of of this act or any other law to the contrary, the Commissioner of Agriculture shall enter into an agreement with any municipal and/or county government, within any county having a population in excess of two hundred fifty thousand (250,000) according to the 1990 federal census of population or any subsequent federal census, which requests authority to implement the enforcement provisions of this chapter, its equivalent or any part thereof, in its respective area of jurisdiction provided each of the following conditions are met:

(1) The local government program standards are not less stringent than those of state law and regulations,

(2) The local government will adequately implement and enforce the program in the respective area of jurisdiction, and;

(3) Upon execution of the agreement the local government will be the sole entity responsible for implementation and enforcement of the local government program standards adopted.

(b) As used in subsection (a), "respective area of jurisdiction" shall mean:

(1) In the case of a municipal government which enters into an agreement pursuant to subsection (a), the area lying within the corporate boundaries of the municipality; and

(2) In the case of a county government which enters into an agreement pursuant to subsection (a), the area lying within the boundaries of the county excluding that portion located within the corporate boundaries of a municipal government which has entered, or which subsequently enters, into an agreement pursuant to subsection (a).

(c) The Commissioner shall retain the right to exercise oversight and evaluation of performance of local government and may terminate the agreement if after an administrative hearing pursuant to the provisions of the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, if it is found the local program does not meet the state standards.

(d) Local governments which enter into an agree pursuant to subsection (a) shall have the authority through their local legislative bodies to enact fees to provide for the administrative, regulatory and enforcement costs of the program.

On motion, Amendment No. 15 was adopted.

Rep. Rigsby moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Callicott moved that Amendment No. 13 be withdrawn, which motion prevailed.

Rep. Meyer moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Arriola moved to amend as follows:

Amendment No. 16

Amend Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No town, city, municipality or county will incur any additional expense or administrative responsibility due to changing their local pest control except those expenses or administrative responsibilities created by the local pesticide program.

Rep. Bragg moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes.	61
Noes.	27
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Buck, Byrd, Callicott, Chiles, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Kent, Kernell, King, Kisber, Liles, McAfee, McDaniel, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tullos, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Windle, Wix, Wood -- 61.

Representatives voting no were: Arriola, Bivens, Chumney, Clark, Coffey, Cross, Ferguson, Fowlkes, Halteman, Hargrove, Hill, Johnson, Jones, U (Shelby), Joyce Knight, Meyer, Odom, Pruitt, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), West, Williams (Union), Winningham -- 27.

Representatives present and not voting were: Holcomb -- 1.

Rep. Johnson moved that Amendment No. 17 be withdrawn and Amendment No. 20 substituted, which motion prevailed.

Rep. Johnson moved to amend as follows:

Amendment No. 20

Amend Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If a local legislative body adopts a resolution or ordinance concerning the use of pesticides, the chief executive of any such unit of local government shall forward a copy of the document to the commissioner of agriculture. In order that records relative to the use of pesticides in a municipality or in a county be accessible to interested parties, the commissioner of agriculture shall maintain these documents in a central location. These documents are public records and may be copied for a reasonable fee.

Rep. Johnson moved that Amendment No. 20 be withdrawn, which motion prevailed.

Rep. Rigsby moved to amend as follows:

Amendment No. 19

Amend Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 24,600 nor more than 24,900 according to the 1990 federal census or any subsequent federal census.

Rep. Rhinehart moved that Amendment No. 19 be tabled, which motion prevailed by the following vote:

Ayes.	52
Noes.	28
Present and not voting.	6

Representatives voting aye were: Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Duer, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Hillis, Holt, Jackson, Kent, Kernell, King, Liles, McAfee, McDaniel, Napier, Niceley, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullos, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix -- 52.

Representatives voting no were: Arriola, Clark, Cross, Curlee, Dixon, Ferguson, Fowlkes, Halteman, Hargrove, Hill, Holcomb, Johnson, Jones, R (Shelby), Jones, U (Shelby), Knight, Love, Meyer, Odom, Peroulas Draper, Pinion, Pruitt, Rigsby, Rinks, Stamps, Tindell, Turner (Hamilton), Winningham, Wood -- 28.

Representatives present and not voting were: Anderson, Armstrong, Chumney, Hubbard, Nuber, Venable -- 6.

Rep. Hargrove moved to amend as follows:

Amendment No. 21

Amend Senate Bill No. 1688 by adding the following language as a new section immediately proceeding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not apply to any municipality having a population of not less than 21,700 nor more than 21,800 according to the 1990

federal census or any subsequent federal census.

Rep. Haley moved that Amendment No. 21 be tabled, which motion failed by the following vote:

Ayes.	36
Noes.	46
Present and not voting.	7

Representatives voting aye were: Bragg, Callicott, Cole, Collier, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Duer, Givens, Gunnels, Haley, Harrill, Hassell, Head, Holt, Jackson, Kent, Kernell, King, Liles, Moore, Napier, Niceley, Phillips, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Washington), Shirley, Turner (Shelby), Walley, Williams (Shelby), Windle, Wix -- 36.

Representatives voting no were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Byrd, Chiles, Chumney, Clark, Coffey, Crain, Cross, Curlee, Davis (Knox), Dixon, Ferguson, Fowlkes, Halteman, Hargrove, Herron, Hill, Hillis, Holcomb, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kisber, Knight, Love, McAfee, McDaniel, Meyer, Odom, Peroulas Draper, Pruitt, Rigsby, Severance, Sipes, Stamps, Tindell, Turner (Hamilton), West, Williams (Union), Winningham, Wood -- 46.

Representatives present and not voting were: Hubbard, Huskey, Nuber, Robinson (Hamilton), Tullos, Venable, Whitson -- 7.

Rep. Davis (Gibson) moved the previous question, which motion prevailed.

Thereupon, Rep. Hargrove renewed the motion to adopt Amendment No. 21, which motion failed by the following vote:

Ayes.	29
Noes.	53
Present and not voting.	6

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Chiles, Chumney, Clark, Coffey, Crain, Cross, Curlee, DeBerry, Dixon, Ferguson, Fowlkes, Halteman, Hargrove, Herron, Hill, Johnson, Jones, R (Shelby), Meyer, Odom, Pruitt, Rigsby, Stamps, Tindell, West, Winningham -- 29.

Representatives voting no were: Anderson, Bragg, Buck, Byrd, Callicott, Cole, Collier, Davidson, Davis (Cocke), Davis (Gibson), Duer, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Joyce Kent, Kernell, King, Liles, McDaniel, McKee, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wix -- 53.

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Representatives present and not voting were: Davis (Knox), Knight, Nuber, Tullos, Turner (Hamilton), Mr. Speaker Naifeh -- 6.

Rep. Clark moved to amend as follows:

Amendment No. 22

Amend Senate Bill No. 1688 by deleting the severability clause and by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

Rep. Buck moved that Amendment No. 22 be tabled, which motion prevailed by the following vote:

Ayes.	54
Noes.	38
Present and not voting.	2

Representatives voting aye were: Anderson, Bell, Bragg, Buck, Callicott, Chumney, Cole, Collier, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Joyce Kent, Kernell, King, Kisber, Knight, Liles, McKee, Moore, Niceley, Phillips, Pinion, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Venable, Walley, Whitson, Williams (Shelby), Windle, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Armstrong, Arriola, Bittle, Bivens, Byrd, Chiles, Clark, Coffey, Copeland, Cross, Curlee, Dixon, Fowlkes, Halteman, Hargrove, Hill, Holcomb, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Love, McAfee, McDaniel, Meyer, Odom, Peroulas Draper, Pruitt, Rigsby, Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Union), Winningham, Wood -- 38.

Representatives present and not voting were: Nuber, Tullos -- 2.

Rep. Davis (Gibson) moved the previous question, which motion prevailed.

Amendments Nos. 4 and 7, having been moved to the heel of the Amendments, were not considered.

Thereupon, Rep. Napier moved that **Senate Bill No. 1688**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	80
Noes.	15
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Givens, Gunnels, Haley, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wingham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Arriola, Chiles, Clark, Cross, Dixon, Fowlkes, Halteman, Hargrove, Hill, Meyer, Moore, Odom, Pruitt, Stamps, Tindell -- 15.

Representatives present and not voting were: Jones, U (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 2346 -- Municipal Government -- Revises mayor aldermanic charter form of municipal government. Amends TCA, Title 6, Chs. 1--4.

On motion, House Bill No. 2346 was made to conform with Senate Bill No. 2054.

On motion, Senate Bill No. 2054, on same subject, was substituted for House Bill No. 2346.

Rep. Kisber moved that Senate Bill No. 2054 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2448; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2448 -- Criminal Offenses --** Requires district attorney, county attorney or city attorney to represent the state, county or city at hearings for the forfeiture of conveyances used in certain theft and arson offenses. Amends TCA, Title 40, Ch. 33. by *Jordan.

REGULAR CALENDAR, CONTINUED

House Bill No. 2278 -- Juries and Jurors -- Entitles state and local government employees to wages while serving on jury duty. Amends TCA, Title 22.

Rep. Phillips moved that **House Bill No. 2278** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***Senate Bill No. 2451 -- Bail, Bail Bonds --** Increases maximum amount bondsmen required to pay from \$500 to \$1,000 when persons covered under bond fail to appear in court as scheduled. Amends TCA 40-11-145, 146.

Further consideration of Senate Bill No. 2451, previously considered on March 26, 1992, at which time it was substituted for House Bill No. 2375, and reset to the Calendar for March 30, 1992.

Rep. Buck moved that **Senate Bill No. 2451** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2451 by deleting from Section 2 the figures "4-11-146" and substituting instead the figures "40-11-146".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that **Senate Bill No. 2451**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 2366 -- Energy --** Requires operator of high-voltage line to notify owner of line of work plans. Same as SB 2520. Amends TCA 68-21-105.

Further consideration of House Bill No. 2366, previously

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considered on March 25 and 26, 1992, at which time Amendments Nos. 1 and 2 ,were adopted; Amendments 3 and 4 were moved; a motion was made to adopt Amendment No. 5 and Amendment No. 1 to 5; then the bill was reset to the Calendar for March 30, 1992.

Rep. Rhinehart moved that House Bill No. 2366 be passed on third and final consideration.

Rep. Rhinehart moved that Amendment No. 1 to Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved that Amendment No. 2 to Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Buck moved that Amendment No. 5 be withdrawn and Amendment No. 9 substituted, which motion prevailed.

Rep. Buck moved to amend as follows:

Amendment No. 9

AMEND House Bill No. 2366 by deleting subsection (b) in its entirety and substituting instead the following:

(b) To satisfy the requirements for the notice to the operator of a high-voltage line as required in the preceding subsection (a), the owner, agent or employer responsible for the operations of equipment shall provide reasonable notice to such operator prior to the commencement of work. The utility company may require that such owner, agent or employer provide such company with written notice of the work to be performed. If such company requires written notice, it shall advise any person who gives notice in a manner other than written, that written notice is required. The failure to give written notice shall not be a bar to recovery if the operators of the high voltage line knew or reasonably should have known of the work to be done or the hazardous condition of the line. No person, firm, or corporation or agent of same will be guilty of the violation of this act on the basis that written notice was not given as required by Tennessee Code Annotated, Section 68-21-105, as amended, if the owner or operator, or their authorized representative or agent, of the high voltage line had actual knowledge or should have reasonably known of the construction or work to be performed not less than five (5) days nor more than thirty (30) days prior to the date construction is possible or planned to take place or work is to be performed.

FURTHER AMEND by deleting from subsection (d) as amended by Commerce Committee Amendment 1 the words "sole proximate cause" and substituting instead the words "proximate cause as provided by law".

On motion, with Rep. McAfee requesting to recorded as voting no, Amendment No. 9 was adopted.

Rep. Jackson moved to amend as follows:

Amendment No. 4

Amend House Bill No. 2366 by adding the following new subsection:

() Notwithstanding the provisions of this act to the contrary, a utility company shall remain liable to an injured party for running high power lines over private property in violation of any existing codes or regulations governing high power lines, regardless of whether notice has or has not been given pursuant to this section.

Rep. Rhinehart moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.	36
Noes.	50
Present and not voting.	4

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Cole, Curlee, Davis (Cocke), DeBerry, Dixon, Duer, Givens, Harrill, Hassell, Head, Hillis, Holt, Huskey, Kent, King, Kisber, McAfee, McDaniel, Napier, Phillips, Rhinehart, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Williams (Shelby), Windle, Wix, Wood -- 36.

Representatives voting no were: Arriola, Byrd, Chiles, Chumney, Clark, Coffey, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Herron, Hill, Holcomb, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kernell, Knight, Liles, Love, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Union) -- 50.

Representatives present and not voting were: Bragg, Callicott, Hubbard, Whitson -- 4.

Thereupon, Rep. Jackson renewed the motion to adopt Amendment No. 4.

Rep. Severance moved the previous question, which motion prevailed.

On motion, Amendment No. 4 was adopted by the following vote:

Ayes.	74
Noes.	20

Representatives voting aye were: Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas, Draper, Pinion, Pruitt, Ridgeway, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Winningham, Wood -- 74.

Representatives voting no were: Bell, Curlee, Davis (Cocke), Harrill, Head, Hillis, Huskey, King, Moore, Napier, Phillips, Rhinehart, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Whitson, Windle, Wix, Mr. Speaker Naifeh -- 20.

Rep. Jackson moved that **Amendment No. 6** be withdrawn, which motion prevailed.

Rep. Jackson moved that **Amendment No. 7** be withdrawn, which motion prevailed.

Rep. Buck moved that **Amendment No. 8** be withdrawn, which motion prevailed.

Rep. Haley moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2366 by inserting the language "county and municipal governments," between the words and punctuatin "television companies," and the words "and their employees" in subsection (e) added by House Amendment No. 2.

On motion, Amendment No. 3 was adopted.

Rep. Severance moved the previous question, which motion prevailed.

Thereupon, Rep. Rhinehart moved that **House Bill No. 2366**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	3
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman,

Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Cross, Liles, Robinson (Davidson) -- 3.

Representatives present and not voting were: Odom -- 1.

A motion to reconsider was tabled.

House Bill No. 2257 -- Criminal Offenses -- Requires district attorney, county attorney or city attorney to represent the state, county or city at hearings for the forfeiture of conveyances used in certain theft and arson offenses. Amends TCA, Title 40, Ch. 33.

On motion, House Bill No. 2257 was made to conform with Senate Bill No. 2448.

On motion, Senate Bill No. 2448, on same subject, was substituted for House Bill No. 2257.

Rep. Callicott moved that Senate Bill No. 2448 be passed on third and final consideration.

Rep. Callicott moved that Senate Bill No. 2448 be reset to the Calendar for Wednesday, April 1, 1992, which motion prevailed.

UNFINISHED BUSINESS

BILL RECALL NOTICE

Pursuant to Rule No. 53, Rep. Robinson (Davidson) filed notice of intent to recall House Bill No. 874 from the Finance, Ways and Means Committee and place it at the head of the floor calendar.

RULES SUSPENDED

Rep. Rhinehart moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 2170 can be heard by the Small Business subcommittee of the Commerce Committee, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 1955 can be heard by the Transportation Committee.

Rep. Haun moved the previous question, which motion prevailed by the following vote:

Ayes.	75
Noes.	10
Present and not voting.	1

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, U (Shelby), Joyce Kent, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Pinion, Pruitt, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Williams (Union), Windle, Winningham, Wood -- 75.

Representatives voting no were: Armstrong, Chumney, Dixon, Jones, R (Shelby), Knight, Rhinehart, Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Williams (Shelby) -- 10.

Representatives present and not voting were: Bragg -- 1.

Thereupon, Rep. Robinson (Davidson) renewed his motion to suspend the rules so that House Bill No. 1955 could be heard in the Transportation Committee, which motion prevailed by the following vote:

Ayes.	76
Noes.	12
Present and not voting.	2

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, U (Shelby), Joyce Kent, Kernell, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Pinion, Pruitt, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 76.

Representatives voting no were: Armstrong, Bell, Chumney,

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Cross, DeBerry, Jones, R (Shelby), Knight, Phillips, Rhinehart, Robinson (Hamilton), Turner (Hamilton), Mr. Speaker Naifeh -- 12.

Representatives present and not voting were: Bragg, Dixon -- 2.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1122: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1902: Rep(s). Williams (Union) as prime sponsor(s).

House Bill No. 1947: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 2114: Rep(s). Kisber as prime sponsor(s).

House Bill No. 2250: Rep(s). Phillips as prime sponsor(s).

House Bill No. 2332: Rep(s). Love as prime sponsor(s).

House Bill No. 2408: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 2433: Rep(s). Nuber as prime sponsor(s).

House Bill No. 2603: Rep(s). Sipes as prime sponsor(s).

House Joint Resolution No. 581: Rep(s). Callicott as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

***House Joint Resolution No. 0610 -- Highway Signs -- "Charlie B. Qualls Bridge," Perry County.** by *McDaniel.

Referred by the Speaker to the Transportation Committee.

House Joint Resolution No. 0611 -- Memorials, Professional and Business Achievement -- Barbara Walker, porcelain painter. by *Crain.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0612 -- Memorials, Sports -- Latina Davis, TSSAA Class AAA "Miss Basketball". by *Rigsby.

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Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0613 -- Memorials, Public Service -- Contact USA, 25th anniversary. by *Curlee.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0614 -- Memorials, Professional and Business Achievement -- Lynda J. Conner, Distinguished Classroom Teacher. by *Head.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0615 -- Naming and Designating -- "Allen E. Williams Armory," National Guard Armory, Huntingdon. by *Ridgeway, *Hill, *McDaniel.

Referred by the Speaker to the State and Local Government Committee.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0402 -- Memorials, Sports -- Harpeth High School Marching "Band of Blue".

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0403 -- Memorials, Death -- Ella Mae Jackson Brown.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0407 -- Memorials, Death -- Chancellor Allen Kidwell of Oak Ridge.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0411 -- Memorials, Sports -- Coach Dorsey Sims, TSSAA Hall of Fame.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0412 -- Memorials, Death -- Paul Atchley, Sevier County Clerk.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

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***Senate Joint Resolution No. 0413** -- General Assembly, Statement of Intent or Position -- Encourages Tennesseans to "Buy Tennessee".

Referred by the Speaker to the Commerce Committee.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2823 and 2827, was/were referred to the Delayed Bills Committee.

House Bill No. 2823 -- Utilities, Utility Districts -- Requires utility districts in Unicoi County to be governed by five member board of commissioners; provides for plurality vote of subscribers present and voting at meeting to fill vacancy. Amends TCA 7-82-307. by *Whitson.

***House Bill No. 2827** -- Annexation -- Authorizes residents of proposed annexation to request referendum; suspends ordinance until election held; if majority vote against annexation ordinance does not become effective. Amends TCA, Title 6, Ch. 51, Pt. 1. by *Bell, *Buck.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2814** -- Health -- Authorizes Governor's Council on Physical Fitness and Health to create nonprofit corporation to operate Olympic event on Ocoee River. Amends TCA, Title 4, Ch. 40. by *Bivens, *Harrill.

Passed first consideration.

***House Bill No. 2816** -- Hospitals and Health Care Facilities -- Extends termination date of annual nursing home services fee and hospital services fee from June 30, 1992 to September 30, 1992. Amends TCA, Title 33, Ch. 2; Titles 63, 67; Title 68, Ch. 11; Title 71, Ch. 5. by *Purcell.

Passed first consideration.

House Bill No. 2817 -- Greenbrier -- Removes requirement that municipal judge be resident; removes provision allowing recorder to be municipal judge. Amends Chapter 436, Private Acts of 1937, as amended. by *Davidson.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

Senate Bill No. 1325 -- Guardianship -- Revises guardianship and conservatorship statutes. Amends TCA, Title 34. (*HB 1119).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1676** -- AIDS and STDs -- Creates offense of criminal transmission of HIV; creates affirmative defense that person exposed knew that the infected person was infected with HIV, knew action could result in infection and consented to action; establishes offense as Class C felony. Amends TCA, Title 39, Ch. 13, Pt. 1. (HB 1673).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1716** -- State Government -- Enacts "State Government Quality Improvement Act of 1992". (HB 1701).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1780** -- Collection Agencies -- Authorizes assignment of claim for collection. Amends TCA, Title 62, Ch. 20. (HB 2182).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2280** -- County Government -- Removes exemption for owner occupied residences for use of weed control removal process and attachment of lien. Amends TCA 5-1-115. (HB 2291).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2382** -- Zoning -- Removes specific authority of metropolitan government to order demolition of unoccupied buildings which are in disrepair or are in violation of municipal code. Amends TCA 7-3-305. (HB 2748).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2398** -- Budget Procedures -- Establishes criteria for publication of annual county operating budget and budgetary comparisons. Amends TCA 5-8-507; Title 6, Ch. 2, Pt. 1; Title 6, Ch. 22, Pt. 1; Title 6, Ch. 35, Pt. 3. (HB 2402).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2420** -- Crime, Victims of -- Transfers moneys contained in victims of drunk drivers' compensation fund to criminal injuries compensation fund for purpose of providing sufficient funds to all eligible crime victims. Amends TCA 29-13-101, 104, 109, 111, 112, 116, 40-24-107, 67-4-606. (HB 2434).

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Held pending third consideration of companion House Bill.

***Senate Bill No. 2434 -- Holidays --** Designates January 30 of each year as a day of special observance, to be known as "Franklin D. Roosevelt Day" to honor his initiation of the Tennessee Valley Authority. Amends TCA, Title 15. (HB 2228).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2455 -- Utilities, Utility Districts --** Requires grievance of final action of commissioners in utility dispute to obtain review by written request to utility management review board instead of circuit court; requires hearing be conducted by board. Amends TCA 7-82-402, 8-82-702. (HB 2330).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2593 -- Education, Higher --** Creates postsecondary educational institution oversight committee under THEC. Amends TCA 49-7-207; Title 49, Ch. 7, Pt. 20. (HB 2521).

Held pending third consideration of companion House Bill.

Senate Bill No. 2607 -- Madison County -- Authorizes election commission to use computerized method of storing duplicate voter registration records. (HB 2588).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2815 -- McMoresville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES March 30, 1992

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2813 and 2815.

REPORT OF COMMITTEE ON CALENDAR AND RULES CONSENT CALENDAR March 30, 1992

MR. SPEAKER: The officers of your Calendar and Rules Committee

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report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 6, 1992**: House Joint Resolution(s) No(s). 611, 612, 613, 614 and 598; House Bill(s) No(s). 2813 and 2815; also, Senate Joint Resolution(s) No(s). 402, 403, 407, 411 and 412.

PHILLIPS, Chair.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1587, 1780, 1781, 1791, 1809, 1810, 1811, 1818, 1819, 1820, 1823, 1826, 1827, 1828, 1829, 1898, 2260, 2778, 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797, 2798, 2801, 2807, 2808 and 2810; also, House Joint Resolution(s) No(s). 456, 457, 529, 540, 556, 557, 559, 560, 561, 562, 563, 566, 568, 570, 572, 574, 576, 577, 578, 582, 583, 587 and 592; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 414, 1697, 1704, 1733, 1758, 1791, 1883, 1979, 1987, 2033, 2034, 2094, 2174, 2183, 2257, 2276, 2279, 2375, 2481, 2534, 2602, 2623 and 2659; also, Senate Joint Resolution(s) No(s). 355, 361, 387, 388, 401, 405, 416 and 418; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

March 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 946; also, House Joint Resolution(s) No(s). 571; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 30, 1992

The Speaker announced that he had signed the following: House

MONDAY, MARCH 30, 1992 -- SEVENTY-SEVENTH LEGISLATIVE DAY

Bill(s) No(s). 946; also, House Joint Resolution(s) No(s). 571.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
March 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1587, 1780, 1781, 1791, 1809, 1810, 1811, 1818, 1819, 1820, 1823, 1826, 1827, 1828, 1829, 1898, 2260, 2778, 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797, 2798, 2801, 2807, 2808 and 2810; also, House Joint Resolution(s) No(s). 456, 457, 529, 540, 556, 557, 559, 560, 561, 562, 563, 566, 568, 570, 572, 574, 576, 577, 578, 582, 583, 587 and 592; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
March 30, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 414, 1697, 1704, 1733, 1758, 1791, 1883, 1979, 1987, 2033, 2034, 2094, 2174, 2183, 2257, 2276, 2279, 2375, 2481, 2534, 2602, 2623 and 2659; also, Senate Joint Resolution(s) No(s). 355, 361, 387, 388, 401, 405, 416 and 418.

**MESSAGE FROM THE SENATE
March 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1743; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
March 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1868; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1974, 2341, 2349, 2351 and 2539; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 891; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 454; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 602; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1798, 1939, 2246, 2692, 2693 and 2811; also, House Joint Resolution(s) No(s). 513, 519, 581, 585, 586, 591, 594, 595 and 600; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1868 and 2333; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2278; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 946; also, House Joint Resolution(s) No(s). 571; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1771, 1794, 1907, 2030 and 2476; also, Senate Joint Resolution(s) No(s). 410; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 364; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0364 -- Memorials, Congress --**

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Urges development and use of environmentally sensitive domestic alternative fuels. by *Greer, *Hamilton, Lawson.

MESSAGE FROM THE SENATE

March 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1661, 1746, 1761, 1821, 1822, 1824, 1882, 2126, 2143, 2340, 2554, 2589, 2636, 2724, 2726 and 2754; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1661 -- Pensions and Retirement Benefits --** Expands TCRS board of trustees by adding one retired member to be appointed by governor to serve two year term. Amends TCA, Title 8, Ch. 34, Pt. 3. by *Crowe.

***Senate Bill No. 1746 -- Salaries and Benefits --** Authorizes commissioner of labor to enter into reciprocal agreements with other states for collection of wages; limits actions to collect claims and judgments by other states to states extending like comity to cases arising in Tennessee. Amends TCA, Title 50, Ch. 2, Pt. 1. by *Rochelle, McKnight.

***Senate Bill No. 1761 -- Education, Higher --** Revises higher education law. Amends TCA, Title 49, Chs. 7--9, 50. by *Lawson, *Greer.

***Senate Bill No. 1821 -- Criminal Procedure --** Makes technical changes to forfeiture and boot camp statutes to bring in conformity with terminology of Criminal Sentencing Reform Act of 1989. Amends TCA 40-20-205, 40-33-101, 108. by *Person.

***Senate Bill No. 1822 -- Bail, Bail Bonds --** Clarifies list of offenses for which no bail is available pending appeal. Amends TCA 40-11-103, 40-26-102, 40-35-116. by *Person.

***Senate Bill No. 1824 -- Osteopathy --** Increases number of members of board of osteopathic examination constituting quorum from three to four. Amends TCA, Title 63, Ch. 9. by *Patten.

***Senate Bill No. 1882 -- Criminal Offenses --** Permits consent as defense to criminal offense involving bodily harm when injury is not serious and conduct and harm are foreseeable hazards. Amends TCA 39-13-104. by *Haynes.

Senate Bill No. 2126 -- Sexual Offenses -- Creates separate offense of rape of child. Amends TCA, Title 39, Ch. 13, Pt. 5. by *Rochelle.

***Senate Bill No. 2143 -- County Government --** Allows county and municipal governments to charge for fire alarm services; impose penalties for false alarms. Amends TCA 62-32-321. by *Hamilton, Montgomery.

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Senate Bill No. 2340 -- Transportation, Dept. of -- Establishes criteria for selecting truck weight and inspection sites. Amends TCA, Title 55, Ch. 7; Title 65, Ch. 15. by *Montgomery.

***Senate Bill No. 2554** -- Motor Vehicles -- Permits vehicles used for law enforcement purposes to violate certain rules of the road without using siren or light if in route to scene of crime in progress and use would jeopardize safety of driver, member of public or would impair driver's ability to apprehend criminal. Amends TCA, Title 55, Ch. 8. by *Montgomery, McKnight.

Senate Bill No. 2589 -- Auditing -- Clarifies responsibility for payment of auditing and accounting services. Amends TCA 9-3-212. by *Henry.

Senate Bill No. 2636 -- Education -- Requires candidates for county boards of education to have G.E.D. to qualify for election. Amends TCA 49-2-202. by *Springer, McKnight, Crowe, Rochelle, O'Brien, Hamilton, Davis E.

***Senate Bill No. 2724** -- Drugs -- Makes it criminal offense to casually exchange controlled substance even if person has valid prescription for substance. Amends TCA 39-17-418. by *Lawson.

Senate Bill No. 2726 -- Taxes, Income -- Prohibits income taxation on exempt interest dividends from Subchapter M investment companies and earnings from investment funds organized as grantor trust as long as 75 percent of investment value is in United State or Tennessee bonds. Amends TCA, Title 67, Ch. 2. by *Dunavant, *etal.

Senate Bill No. 2754 -- Highway Signs -- Clarifies provisions relative to vandalism. Amends TCA 39-14-412. by *Burks.

**SIGNED
March 30, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1771, 1794, 1907, 2030 and 2476; also, Senate Joint Resolution(s) No(s). 410.

**ENGROSSED BILLS
March 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2366; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Bell, the House recessed until Wednesday, April 1, 1992.